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## REMARKS

Claims 1, 2, 4-12, and 14-31 are now pending in this application for which applicants seek reconsideration.

## Amendment

Claims 3 and 13 have been canceled, and independent claims 1, 11, 21, 27, 30, and 31 have been amended to more clearly set forth the present invention, namely incorporating the features of claim 3 or 13. No new matter has been introduced.

## Art Rejection

Claims 1-31 were rejected under 35 U.S.C. § 102(b) as anticipated by Namikawa (USP 6,094,698). Applicants traverse this rejection because Namikawa would not have disclosed or taught the first storage means and the write control feature set forth in independent claims 1, 11, 21, 27, 30, and 31.

First, applicants previously explained that Namikawa does not disclose storing a first control program, a second control program, and a write control program in a single storage means, and transferring the write control program to a second CPU so that the second CPU writes the second control program stored in the first storage means to a second storage means. Applicants also explained that Namikawa discloses storing the write control program in a first storage device (ROM 11) and storing the control programs for operating the CPUs in a second storage device, namely an external storage (ROM 13).

The examiner essentially contends that because Namikawa provides two separate storage devices that are connected together, Namikawa "fairly suggests" the claimed first storage means and provides write control features for writing and rewriting to memory. To anticipate a claim, however, a single reference must explicitly disclose each and every claim limitation. Based on the examiner's argument, it appears that the examiner is applying a § 103(a) rejection since Namikawa does not disclose the first storage means as recited in the claims. At least in this regard, applicants take Official Notice that § 102 rejection is improper here.

Second, independent claims 1, 11, 21, 30, and 31 call for first storage means (e.g, EPROM 503) that is rewritable and removable from the program operating apparatus, and that stores a first control program, a second control program, and a write control program. The first control program stored in the removable storage means controls operation of a first CPU (e.g., 501) in a normal mode. These claims further call for write controlling the second control

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program to the second storage means.  Specifically, the second control program stored in the removable storage means is written to the second storage means, for executing write control comprising transferring the write control program stored in the removable storage means to a second CPU (e.g., 601), and causing the second CPU to write the second control program stored in the removable storage means to the second storage means.  Independent claim 27 is similar, but does not explicitly call for a write control program.

By storing the first control program and the second control program, as well as the write control program, all in the removable storage means, and transferring the write control program from the removable storage means to the second CPU for executing a write control process, possible errors in writing the second control program to the second storage mean can be eliminated.  This is because the write control program can be prepared for exclusive use in the write control process of the second control program to be written to the second storage means.

As explained in the previous reply, Namikawa does not disclose or teach a single storage device that stores all three programs (first, second, and write control programs), let alone storing such three programs in a removable storage device.  Namikawa discloses updating a program from a ROM 13 to a first flash memory 2 of a facsimile device F or a second flash memory 22 of an external device G1-Gn.  See column 9, lines 14 to 40.  Namikawa's ROM 13 stores only the program of the updated version.  The first mask ROM 11 stores a program for controlling the data writing process (i.e., a write control program) that is carried out in the first flash memory 2 and a program for controlling the data transfer between the facsimile (host) F and a DPRAM 26 provided in the external device G1.  In Namikawa, when the ROM 13 storing the program of updated version is installed in the socket part 12 of the facsimile device F to rewrite the content in the first flash memory 2 of a host device (facsimile device F) or contents in the program memory (second flash memory 22) of each of the external devices G1 to Gn connected to the host device, the program stored in the first mask ROM 11 is executed to start the process of rewriting the program stored in the first flash memory 2 of the facsimile device F. The second mask ROM 31 also stores the program for controlling the data rewriting process (write control program).  See column 4, lines 35 to 36, and column 5, lines 61 to 62.

In contrast, the claims (1, 11, 21, 30, and 31) call for storing all three programs in a single removable storage means.  Namikawa needs one storage (ROM 11) for storing the write control program, and another storage for storing the control programs for operating the CPUs, in addition to an external storage (ROM 13).  In Namikawa, the first control program is stored in the first and second flash memories 2 and 22, the second control program is stored in the ROM 13, and the write control program is stored in the first or second mask ROM 11, 31.  Namikawa

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not only needs the first mask ROM 11 for storing the write control program but also another storage means for storing the control programs for operating the CPUs in addition to the external storage means (ROM 13).

Moreover, in Namikawa, the first flash memory 2 for storing the control program for operating the first CPU 1 is installed in addition to the external storage means (ROM 13). As claimed, all the three programs, i.e., the first control program for controlling operation of the first CPU, the second control program for controlling operation of the second CPU, and the write control program, are all stored in a single rewritable and removable storage means.

Moreover, in Namikawa, the write control programs stored in the first mask ROM 11 and the second mask ROM 31 are not transferred from the external storage ROM 13 (first storage means) to the second CPU.

In short, Namikawa fails to disclose or suggest the claimed first storage means that is rewritable and removable from the program operating apparatus, and that stores the first control program, the second control program, and a write control program. Namikawa further fails to disclose or teach the write controlling feature operable when a mode of the apparatus is switched to a write control mode in which the second control program stored in the first storage means is written to the second storage means, for executing write control comprising transferring the write control program stored in the first storage means from the first storage means to the second CPU, and causing the second CPU to write the second control program stored in the first storage means to the second storage means, as recited in the independent claims.

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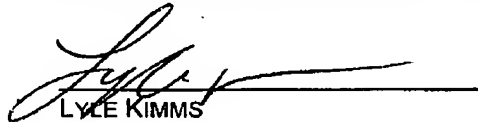
<u>Conclusion</u>

Applicants submit that claims 1, 2, 4-12, and 14-31 patentably distinguish over
Namikawa and are in condition for allowance.  Should the examiner have any issues concerning
this reply or any other outstanding issues remaining in this application, applicants urge the
examiner to contact the undersigned to expedite prosecution.


                                    Respectfully submitted,

                                    ROSSI, KIMMS & McDOWELL LLP


<u>15 NOVEMBER 2005</u>
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